

09/891,885

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REMARKS

Claims 9-13 and 15-18 are currently pending in the subject application.

Favorable reconsideration in light of the cofiled Declaration under 37 C.F.R. §1.131 and the remarks which follow is respectfully requested.

The Obviousness Rejections

Claims 9, 10, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fliesler *et al.* (U.S. Patent 6,238,975) in view of Huang (U.S. Patent 5,378,649), and Sakakibara (U.S. Patent 6,445,617 B1). Claims 11 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fliesler *et al.* in view of Diaz *et al.* Claims 12 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fliesler *et al.* in view of Reisinger (U.S. Patent 6,008,081). Claims 17 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fliesler *et al.* in view of Diaz *et al.*, Huang, and Sakakibara.

Submitted herewith is a Declaration under 37 C.F.R. §1.131. The declaration demonstrates that the subject invention was conceived at a date prior to May 29, 2001.

Fliesler *et al.* has an issue date of May 29, 2001. Since the date of conception of the subject invention is prior to the issue date of Fliesler *et al.*, the reference does not qualify as prior art under 35 U.S.C. §102(a). However, Fliesler *et al.* does qualify as prior art under 35 U.S.C. §102(e).

35 U.S.C. §103(c) states "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Fliesler *et al.* and the subject application were, at the time the present invention was made, owned by the same person and/or subject to an obligation of assignment to the same person (Advanced Micro Devices). See Reel 011940, Frame 0886. The date

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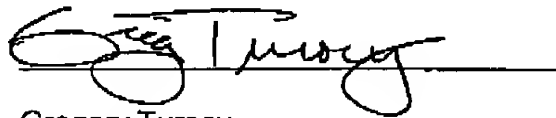
of conception of the present application is prior to May 29, 2001, which is the issue date of Fliesler *et al.*; thus, Fliesler *et al.* falls under 35 U.S.C. §102(e). Therefore, Fliesler *et al.* is not citable art against the present application in an obviousness rejection. Since Fliesler *et al.* was the primary reference for all of the rejections, withdrawal of the rejections of claims 9-13 and 15-18 is respectfully requested.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 50-1063.

Respectfully submitted,

AMIN & TUROCY, LLP



Gregory Turocy
Reg. No. 36,952

24th Floor, National City Center
1900 East 9th Street
Cleveland, Ohio 44114
(216) 696-8730
Fax (216) 696-8731